

James Weingarten, DC Bar No. 985070
Peggy Bayer Femenella, DC Bar No. 472770
James Abell, DC Bar No. 990773
Cem Akleman, FL Bar No. 107666
Jennifer Fleury, NY Bar No. 5053178
Meredith Levert, DC Bar No. 498245
James Gossmann, DC Bar No. 1048904
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: (202) 326-3570
jweingarten@ftc.gov; pbayer@ftc.gov;
jabell@ftc.gov; cakleman@ftc.gov;
jfleury@ftc.gov; mlevert@ftc.gov;
jgossmann@ftc.gov

Erika Wodinsky, Cal. Bar No. 091700
90 7th Street, Suite 14-300
San Francisco, CA 94103
Tel: (415) 848-5190
ewodinsky@ftc.gov

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION.

Plaintiff,

V.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.

Defendants.

Case No. 3:23-cv-2880

**DECLARATION OF JAMES ABELL IN
SUPPORT OF PLAINTIFF FEDERAL
TRADE COMMISSION'S BENCH BRIEF
REGARDING DEFENDANTS'
PROFFERED TESTIMONY REGARDING
MICROSOFT'S AGREEMENTS**

DECLARATION OF JAMES ABELL

I, James Abell, declare as follows:

1. I am one of the attorneys representing Plaintiff Federal Trade Commission (the “FTC” or “Commission”) in the above-captioned action against Defendants Microsoft Corporation (“Microsoft”) and Activision Blizzard, Inc. (“Activision”).

2. I submit this declaration in support of Plaintiff FTC's Bench Brief Regarding Defendants' Proffered Testimony Regarding Microsoft's Agreements in the above-captioned action. I have personal knowledge of the facts stated herein and could and would competently testify thereto if called as a witness.

3. Attached as Exhibit A is a true and correct copy of an email exchange between the FTC and Defendants' counsel, dated June 20, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 22, 2023.

/s/ James Abell
James Abell

FILER'S ATTESTATION

I, James H. Weingarten, am the ECF User whose ID and password are being used to file this Declaration of James Abell. In compliance with Civil Local Rule 5-1(h), I hereby attest that concurrence in the filing of this document has been obtained from the signatory.

By: /s/James H. Weingarten
James H. Weingarten